Signature

Approved for use through 04/30/2003. OMB 0651-0031
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	reconstant reconsect to respond to a collect	ion of information unless it displays a well to the COMMERCI
TRANSMITTAL	<i></i>	ion of information unless it displays a valid OMB control number 10/005,065
FORM	Filing Date	12/4/2001
ı .	First Named Inventor	Krasulick
(to be used for all correspondence after in	Art Unit	2812
	Examiner Name	lan J. Lobo
(Also, copies of Cited Refences) Total Number of Pages in This Submission	5 Attorney Docket Number	OPT-003
		OF 1-003
<u></u>	ENCLOSURES (Check all that	t apply)
Fee Transmittal Form	Drawing(s)	After Allowance Communication to Group
Fee Attached	Licensing-related Papers	Appeal Communication to Board of Appeals and Interferences
Amendment/Reply	Petition	Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
After Final	Petition to Convert to a Provisional Application	(1 1
Affidavits/declaration(s)	Power of Attorney, Revocation Change of Correspondence Address	Proprietary Information
Extension of Time Request	Terminal Disclaimer	Status Letter Other Enclosure(s) (please
Express Abandonment Request	Request for Refund	Identity below):
Information Disclosure Statement	· .	Form PTO 1449 (2 pgs); Copies of References. Cited (A1-A2, B1, C1-C4); Copy of Int. Search
	CD, Number of CD(s)	Report; and Return Receipt Postcard
Certified Copy of Priority Document(s)	Remarks	Past Neturn Necelpt Pastcard,
Response to Missing Parts/		7 E D
Incomplete Application		ROOM
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under 37 CFR 1.52 or 1.53		
SIGNA	TURE OF APPLICANT, ATTORNEY	OR ACENIT
Firm Kurt Rauschenbach		, OK AGENT
Individual		i de la companya de
Signature	And I	
Date May 15, 2003	- CWW	
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Typed or printed Kurt Rauschenback	h	ate: May 15, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:

Date

May 15, 2003

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Krasulick et al.

SERIAL NO.:

10/005,065

GROUP NO.:

2812

FILING DATE:

December 4, 2001

EXAMINER:

Ian J. Lobo

TITLE:

ELECTRO-ABSORPTION MODULATED LASER WITH HIGH

OPERATING TEMPERATURE TOLERANCE

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. BOX 1450 Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. §1.97, Applicants hereby make of record the references listed on the accompanying Form PTO-1449 for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the references are enclosed. Also, enclosed is a copy of the International Search Report for the PCT counterpart application.

REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):

(1)	within three (3) months of the Filing Date or before the mailing date of the First Office Action on the merits; or
(2)	after the period defined in (1) but before the mailing date of a Final Rejection or Notice of Allowance, and
	the requisite Statement is below, OR
	the requisite fee under Rule 1.17(p), namely \$180.00, is included herein, or
(3)	after the mailing date of a Final Rejection or Notice of Allowance but before the payment of the Issue Fee, AND
	Applicant hereby Petitions the Commissioner to accept and consider the attached Information Disclosure Statement, AND

Information Disclosure Statement Serial No.: 10/005,065 Page 2 of 2 the requisite Statement is below, AND the requisite petition fee due under Rule 1.17(i)(I), namely \$130.00 is included herein. It is respectfully requested that each of the references shown on the attached Form PTO-1449 be made of record in this application. STATEMENT As required under §1.97(e), Applicants, through the undersigned, hereby state either that [check the appropriate space]: [E]ach item of information contained in the Information Disclosure Statement 1. was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or [N]o item of information contained in the Information Disclosure Statement was 2. cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

FEE AUTHORIZATION

Should any fee associated with the submission of this paper not be attached hereto as a check, the Commissioner is authorized to charge the missing fee to our Deposit Account, No. 501211. Any overpayments should be credited to said Deposit Account.

Date: May 15, 2003 Reg. No. 40,137

Tel. No.: (781) 271-1503 Fax No.: (781) 271-1527 Respectfully submitted,

Kunt Rauschenbach

Atty/Agent for Applicant(s)

Rauschenbach Patent Law Group, LLC

Post Office Box 387 Bedford, MA 01730

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	1	of	,	. 2

Complete if Known			
Application Number	10/005,065		
Filing Date	12/4/2001		
First Named Inventor	Krasulick		
Art Unit	2812		
Examiner Name	Ian J. Lobo		
Attorney Docket Number	OPT-003		

		T	U.S. PATE	NT DOCUMENTS	
Examiner Initials	Cite No. ¹	Document Number Number - Kind Code ² (if known	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant
	AI	us- 6,014,392	01-11-2000	Imai et al	Figures Appear
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		FORI	EIGN PATENT D	OCUMENTS		_
Examiner Initials		Foreign Patent Document Country Code 3 -Number 4 - Kind Code 5 (if known)	Bublicatia i B	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		EP 0 558 089 A2	09/01/1993	Hitachi, LTD	or relevant Figures Appear	\perp
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Examiner Signature Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.usplo.gov or MPEP 101.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if Burden Hour Statement. This form is estimated to take 2.0 hours to complete. Time will year depending upon the needs of the individual case.

English tanguage translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Commissioner for Patents, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/08B (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
control number.

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet of

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Complete if Known			
Application Number	10/005,065		
Filing Date	12/4/2001	_	
First Named Inventor	Krasulick	_	
Group Art Unit	2812	4	
Examiner Name	Ian J. Lobo	4	
Attorney Docket Number		_	
2 Desiret (Adulbe)	OPT-003	J	

Examiner		OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS
Initials	Cite No. ¹	item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue
		CLESCA B. ET AL. 3.2 NM Waysland T. C. Charles Williams Williams
	. C1	Electroabsorption modulator/DBF Laser With High Tolerance To Chromatic Dispersion, Electronics Letters, IEE Stevenage, May 9, 1996, Pages 927-929, Vol. 32, no. 10, GB.
		GOTO ET AL. Design And Performance Of A to State
	C2	GOTO ET AL, Design And Performance Of A 10-Gbit/s Optical Transmitter Module, Proceedings Of The Electronic Components And Technology Conference, May 18-20, 1992, Pages 830-837, Vol. Conf. 42, IEEE, New York.
	[LIDEAVITANA
. }		HIDEAKI TANAKA ET AL, Temperature Dependence of InGaAsP Electro-Absorption Modulator Module, Proceedings Of The International Conference of InGaAsP Electro-Absorption
	C3	Modulator Module, Proceedings Of The International Conference On Indium Phosphide And Related Materials, May 9-13, 1995, Pages 540-543, Vol. Conf. 7, IEEE, New York.
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[4	1996, Pages 1429-1433 Vol. 11 No. 10 Levis Semiconductor Science and Technology, October 1
	4	Near 1.5 um Using Coupled Quatum Wells, Semiconductor Science and Technology, October 1, 1996, Pages 1429-1433, Vol. 11, No. 10, Institute of Physics, London.
		1996, Pages 1429-1433, Vol. 11, No. 10, Institute of Physics, London.
	4	1996, Pages 1429-1433, Vol. 11, No. 10, Institute of Physics, London.
		1996, Pages 1429-1433, Vol. 11, No. 10, Institute of Physics, London.
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)		1996, Pages 1429-1433, Vol. 11, No. 10, Institute of Physics, London.

Examiner			
Signature		Date	
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reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY	PCT
то: RAUSCHENBACH, Kurt	NOTIFICATION OF TRANSMITTAL OF
Post Office Box 387 Bedford, MA 01730 UNITED STATES OF AMERICA	THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION
	(PCT Rule 44.1)
	Date of mailing
	(day/month/year) 15/04/2003
Applicant's or agent's file reference OPT-003PCT	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/US 02/20428	International filing date (day/month/year) 28/06/2002
Applicant	
OPTIUM CORPORATION	
1. X The applicant is hereby notified that the International Search Filing of amendments and statement under Article 19: The applicant is entitled, if he so wishes, to amend the claim: When? The time limit for filing such amendments is normal	s of the International Application (see Rule 46):
International Search Report; however, for more det	lly 2 months from the date of transmittal of the tails, see the notes on the accompanying sheet.
Where? Directly to the International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Fascimile No.: (41–22) 740.14.35	
For more detailed instructions, see the notes on the accom-	
2. The applicant is hereby notified that no International Search Article 17(2)(a) to that effect is transmitted herewith.	Report will be established and that the declaration under
3. With regard to the protest against payment of (an) addition	nal fee(s) under Dule 40.2, the continent is solitical that
the protest together with the decision thereon has been applicant's request to forward the texts of both the prote	transmitted to the International B
no decision has been made yet on the protest; the appli	icant will be notified as soon as a decision is made.
4. Further action(s): The applicant is reminded of the following:	
Shortly after 18 months from the priority date, the international application if the applicant wishes to avoid or postpone publication, a notice of priority claim, must reach the International Bureau as provided in completion of the technical preparations for international publications.	or withdrawal of the international application, or of the n Rules 90 <i>bis</i> .1 and 90 <i>bis</i> .3, respectively, before the ion.
Within 19 months from the priority date, a demand for international wishes to postpone the entry into the national phase until 30 mon	idis from the priority date (in some Offices even later).
Within 20 months from the priority date, the applicant must perform before all designated Offices which have not been elected in the priority date or could not be elected because they are not bound to	n the prescribed acts for entry into the national phase
Name and mailing address of the International Searching Authority	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Jolanda Offerman-Hazeleger

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French.

Notes to Form PCT/ISA/220 (first sheet) (January 1994)

NOTES TO FORM PCT/ISA/220 (c ntinued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled:
- (iii) the claim is new:
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

- [Where originally there were 48 claims and after amendment of some claims there are 51]:
 "Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
- 2. [Where originally there were 15 claims and after amendment of all claims there are 11]: "Claims 1 to 15 replaced by amended claims 1 to 11."
- [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
 "Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or "Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
- 4. [Where various kinds of amendments are made]: "Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

ft must be in the language in which the international appplication is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

PATENT COOPERATION TREATY

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	FOR FURTHER see Notification	of Transmittal of International Search Report
OPT-003PCT	ACTION (FORM PC1/ISA/2	220) as well as, where applicable, item 5 below.
International application No.	International filing date (day/month/year)	(Earliest) Priority Date (day/month/year)
PCT/US 02/20428	28/06/2002	11/07/2001
Applicant		11/0//2001
OPTIUM CORPORATION		
This International Search Report has been according to Article 18. A copy is being tra	n prepared by this International Searching Auth Insmitted to the International Bureau.	nority and is transmitted to the applicant
	•	
This International Search Report consists It is also accompanied by		
It is also accompanied by	a copy of each prior art document cited in this	report.
Basis of the report		
a. With regard to the language, the in	nternational search was carried out on the bas	is of the international annual at a first u
language in which it was filed, unle	ess otherwise indicated under this item.	is of the international application in the
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 With regard to any nucleotide and was carried out on the basis of the 	l/or amino acid sequence disclosed in the int	ernational application, the international search
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the statement that the subs	equently furnished written enguence listing de	es not go hevand the disclosure in the
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furnished	mation recorded in computer readable form is	identical to the written sequence listing has been
2. Certain claims were found	d unsearchable (See Box I).	
 Unity of invention is lacki 		
4. With regard to the title,		
X the text is approved as sub-	mitted by the applicant.	
the text has been established	ed by this Authority to read as follows:	
· .		
5. With regard to the abstract,		
X the text is approved as subr	nitted by the applicant.	
the text has been establishe	d, according to Rule 38.2(b), by this Authority ate of mailing of this international search repo	as it appears in Box III. The applicant may, rt, submit comments to this Authority.
· •		
· •	ned with the abstract is Figure No.	5
· •	ned with the abstract is Figure No.	5
6. The figure of the drawings to be publish	ned with the abstract is Figure No. nt.	None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No PCT/US 02/20428

A. CLASSIFICATION OF SUBJECT MATTER IPC 7 G02F1/017 G02F1/015

H04B10/155

C. DOCUMENTS CONSIDERED TO BE RELEVANT

G02F1/01

H01S5/026

H01S5/06

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Category °

 $\begin{array}{ll} \mbox{Minimum documentation searched} & \mbox{(classification system followed by classification symbols)} \\ \mbox{IPC 7} & \mbox{G02F} & \mbox{H01S} & \mbox{H04B} \end{array}$ G02F H01S H04B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

WPI Data, PAJ, IBM-TDB, EPO-Internal, INSPEC, COMPENDEX

Citation of document, with indication, where appropriate, of the relevant passages

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	CLESCA B ET AL: "3.2 nm wavelength tuning via temperature control for integrated electroabsorption modulator/DFB laser with high tolerance to chromatic dispersion" ELECTRONICS LETTERS, IEE STEVENAGE, GB, vol. 32, no. 10, 9 May 1996 (1996-05-09), pages 927-929, XP006005131 ISSN: 0013-5194 the whole document	1,2,4-6, 8-16, 18-21, 23-26, 29-32
	-/	
Special cate A* document conside E* earlier do filing da *L* document which is citation of the me *P* document later tha Date of the ac	which may throw doubts on priority claim(s) or cited to establish the publication date of another or other special reason (as specified) t referring to an oral disclosure, use, exhibition or	international filing date with the application but or theory underlying the the claimed invention unot be considered to e document is taken alone the claimed invention in inventive step when the or more other such docu- byious to a person skilled tent family
lame and ma	iling address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,	

C.(Continu	ation) DOCUMENTS CONSIDERED TO BE RELEVANT	PCT/US 0	2/20428	
Category °	Citation of document, with indication, where appropriate, of the relevant passages		Relevant to claim No	
			ricievant to claim No.	
X	GOTO M ET AL: "Design and performance of a 10-Gbit/s optical transmitter module" PROCEEDINGS OF THE ELECTRONIC COMPONENTS AND TECHNOLOGY CONFERENCE. (ECTC). SAN DIEGO, MAY 18 - 20, 1992, NEW YORK, IEEE, US,		1,2, 5-10, 14-16, 18,21, 23,29	
	vol. CONF. 42, 18 May 1992 (1992-05-18), pages 830-837, XP010052497 ISBN: 0-7803-0167-6 * sections 4, 5 *			
	figure 16			
	HIDEAKI TANAKA ET AL: "TEMPERATURE DEPENDENCE OF INGAASP ELECTRO-ABSORPTION MODULATOR MODULE"		1,3,5-8, 13,17, 21-23	
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